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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,453	10/02/2000	Amarjeet Singh Bassi	UWO3	6111

7590

04/08/2003

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CANADA

EXAMINER

CINTINS, IVARS C

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 04/08/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-14

# **Advisory Action**

Application No.  
**09/676,453**

Applicant(s)  
**Bassi et al.**

Examiner  
**Ivars Cintins**

Art Unit  
**1724**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Mar 17, 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

## THE PERIOD FOR REPLY [check only a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see NOTE below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None

Claim(s) objected to: 29

Claim(s) rejected: 1, 21-28, and 34-37

Claim(s) withdrawn from consideration: None

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☒ Other: See attached supplement.

**IVARS CINTINS  
PRIMARY EXAMINER  
ART UNIT 1724**

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SUPPLEMENT TO ADVISORY ACTION

The proposed amendment filed March 17, 2003 will be entered, and the status of claims in this application will be as follows:

(1) Claims 1, 21-28 and 34-37 remain rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. As pointed out in the previous Office action, it appears essential that the "first means connecting" (i.e. bottom solids return pipe 42) include a packed moving bed which forms a dynamic seal between the first and second fluidized beds, in order for the recited apparatus to function properly (see page 5, lines 19-22 of the specification, especially lines 19-20). Since this critical feature has not been recited in claims 1, 21-28 and 34-37, these claims are not enabled by the disclosure. *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

(2) Claims 1, 21-28 and 34-37 remain rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. As pointed out in the previous Office action, claims 1, 21-28 and 34-37 fail to recite the apparently essential limitation that the first means connecting includes a packed moving bed which forms a dynamic seal between the first and second fluidized beds; and therefore,

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these claims fail to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

(3) Claim 29 is objected to as being dependent upon a rejected base claim, but would be allowed if rewritten in independent form to include all of the limitations of parent claim 1.

The new matter objection contained in the previous Office action has been overcome by Applicant's amendment deleting the paragraphs added to pages 7 and 8 of the specification.

Also, it is noted that the "marked-up" version of claim 29 does not correspond to the changes made to this claim because this marked-up version does not show (1) the changing of "said" to "the" in line 1; (2) the deletion of "between said first and second fluidized beds" from line 3 of this claim; and (3) the addition of "dynamic" before "seal" and "is a packed moving bed" after "seal" in now line 2 of this claim. Applicant is advised that any future amendments must include appropriate indications of added and deleted subject matter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

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The fax phone numbers for this art unit are: (703) 872-9311 for "Official" faxes after Final Rejection; (703) 872-9310 for all other "Official" faxes; and (703) 872-9492 for "Draft" and other "Unofficial" faxes.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

*Ivars C. Cintins*  
**Ivars C. Cintins**  
**Primary Examiner**  
**Art Unit 1724**

I. Cintins  
April 3, 2003